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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/844,544

04/27/2001

Defu Zeng

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EXAMINER

WILSON SONSINI GOODRICH & ROSATI

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ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliance With 37 CFR 1.192(c)	Application No. 09/844,544	Applicant(s) ZENG ET AL.	
	Examiner DiBrino Marianne	Art Unit 1644	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 20 March 2009 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

Section IX, Evidence Appendix indicates "None." However, under 37 CFR 41.37(c)(1)(ix) Appellant is required to submit copies of any evidence pursuant to 1.130, 1.131 or 1.132 or of any other evidence entered by the Examiner and relied upon by Appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the Examiner. Appellant relies upon multiple references, e.g., Wolfy and Seaman, 1985 (page 13 section c of the appeal brief), as well as the Declaration of Dr. Samuel Strober (page 14 of the appeal brief at the last paragraph). In addition, Appellant states in Section II of the appeal brief under status of claims that in Applicant's response of March 24, 2006, claim 11 was canceled; however, claim 11 was canceled in Applicant's response of December 19, 2003. Also under section V, for claim 24 (page 3 of the appeal brief), the cited support for the claim reciting a method of treating systemic lupus erythematosus in a human patient does not disclose treatment of a human patient.

/G.R. Ewold/
Primary Examiner, Art Unit 1644